

[COUNSEL LISTED ON SIGNATURE PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION (NAF),

Plaintiff,

v.

THE CENTER FOR MEDICAL PROGRESS,
BIOMAX PROCUREMENT SERVICES LLC,
DAVID DALEIDEN (aka "ROBERT SARKIS"),
and TROY NEWMAN,

Defendants.

Case No. 3:15-cv-3522

Judge: Hon. William H. Orrick, III

**STIPULATION AND ORDER TO
EXTEND NATIONAL ABORTION
FEDERATION (NAF)'S
DEADLINE TO CHALLENGE
STATE SUBPOENAS**

Date Action Filed: July 31, 2015
Trial Date:

1 Pursuant to Local Rules 7-1(a)(5) and 7-12 and Federal Rule of Civil Procedure 15,
2 National Abortion Federation (“NAF” or “Plaintiff”) and Defendants Center for Medical
3 Progress, Biomax Procurement Services, LLC, David Daleiden (collectively, “CMP Defendants”)
4 and Troy Newman (collectively, “Defendants”), file this stipulation to extend NAF’s deadline to
5 challenge subpoenas issued by the Arizona Attorney General and Louisiana Inspector General to
6 CMP:

7 WHEREAS, the Court issued its ruling on NAF’s motion for preliminary injunction on
8 February 5, 2016 (Dkt. 354);

9 WHEREAS, on April 6, 2016, the parties stipulated to extend NAF’s deadline to either:
10 (1) complete its meet-and-confer discussions with the Arizona Attorney General and/or the
11 Louisiana Inspector General; or (2) initiate litigation concerning the subpoenas to April 20, 2016
12 (Dkt. 364);

13 WHEREAS, the parties also stipulated that “no audio or video footage, documents, or any
14 other material covered by this Court’s Preliminary Injunction Order, as modified by the Court,
15 may be produced in response to the subpoenas issued by the Arizona Attorney General and
16 Louisiana Inspector General unless and until: (1) NAF and representatives of either or both the
17 Arizona Attorney General and Louisiana Inspector General reach agreement concerning the
18 scope, terms, and conditions of any production in response to their respective subpoenas. An
19 agreement with one state does not authorize a response with respect to the other state; or (2) If
20 NAF initiates litigation in accordance with Paragraph 1 above, disputes concerning the particular
21 subpoena are resolved by the court in which that litigation is filed.” *Id.*

22 WHEREAS, the Court granted the parties’ stipulation on April 6, 2016 (Dkt. 365);

23 WHEREAS, counsel for NAF represents that it has engaged in meet and confer
24 discussions directly with representatives of the Arizona Attorney General and Louisiana Inspector
25 General, continues to engage in such discussions, and is approaching resolution of both of the
26 subpoenas;

1 WHEREAS, it is in the best interests of the Court and the parties to extend NAF's
2 deadline to reach agreement concerning the appropriate scope of a production or initiate litigation
3 from April 20, 2016 for an additional forty (40) days to May 30, 2016;

4 WHEREAS, extending this deadline will not impact the existing schedule in this
5 litigation;

6 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
7 parties, subject to the approval of the Court, that:

8 1. NAF may have until May 30, 2016 to either (1) complete its meet-and-confer
9 discussions with the Arizona Attorney General and/or the Louisiana Inspector General, or (2)
10 initiate litigation concerning the subpoenas issued by the Arizona Attorney General and/or
11 Louisiana Inspector General in the appropriate fora.

12 2. No audio or video footage, documents, or any other material covered by this Court's
13 Preliminary Injunction Order may be produced in response to the subpoenas issued by the
14 Arizona Attorney General and Louisiana Inspector General unless and until: (1) NAF and
15 representatives of either or both the Arizona Attorney General and Louisiana Inspector General
16 reach agreement concerning the scope, terms, and conditions of any production in response to
17 their respective subpoenas. An agreement with one state does not authorize a response with
18 respect to the other state; or (2) If NAF initiates litigation in accordance with Paragraph 1 above,
19 and disputes concerning the particular subpoena are resolved by the court in which that litigation
20 is filed. In the event that NAF does not reach an agreement or initiate litigation with respect to
21 either or both subpoenas, CMP may respond on May 31, 2016 to the particular subpoena or
22 subpoenas for which there is no agreement or litigation pending.
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1 Dated: April 19, 2016

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ATTESTATION OF E-FILED SIGNATURE

I, Derek F. Foran, am the ECF User whose ID and password are being used to file this
STIPULATION TO EXTEND NAF'S DEADLINE TO CHALLENGE STATE SUBPOENAS.
In compliance with General Order 45, X.B., I hereby attest that Derek Foran, Steven Wood, Erik
Zimmerman, and Catherine Short concur in this filing.

Dated: April 19, 2016

/s/ Derek F. Foran
DEREK F. FORAN

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 19, 2016

W. H. Orrick, III

Honorable William H. Orrick, III

United States District Court